IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

WP(C).No. 36223 of 2007(K)

PETITIONER:

P.C.JOLLY , AGED 43, S/O.CHACKO,
MUNDACKAL HOUSE, THIRUMARADI P.O.,
KOOTHATTUKULAM, ERNAKULAM DISTRICT.

BY ADV. SRI.T.N.SURESH
SRI.ROY THOMAS

RESPONDENTS:

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1. STATE OF KERALA
REPRESENTED BY THE SECRETARY
THIRUVANANTHAPURAM.

2. TAHSILDAR, MOOVATTUPUZHA TALUK OFFICE
MOOVATTUPUZHA ,ERNAKULAM

3. THIRUMARADI GRAMA PANCHAYAT
REP. BY SECRETARY, THIRUMARADI PO,
KOOTHATTUKULAM.

4. NARAYANAN, AGED 60 YEARS
S/O. KUNJUMON, VAYIKATTIL HOUSE
THIRUMARADI.

R1-R2 BY GOVT. PLEADER MR.K.J.MOHAMMED ANZAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C) No.36223 of 2007

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Dated: 7th December, 2007

JUDGMENT

The grievance voiced by the petitioner is that the 4th respondent is an encroacher on puramboke and that the Panchayat and the third respondent are not taking any action for removal of the encroachment by the 4th respondent. The documents produced along with the Writ Petition will show that some action was initiated by the Panchayat to have a measurement of the properties so that the puramboke could be identified. The complaint of the petitioner is that for one reason or another measurement is not taking place. The learned Government Pleader submitted that it was due to reasons beyond the control of the Surveyor concerned that measurements could not be conducted so far. There was no laxity on the part of respondents 1 and 2 in the matter of conducting measurement. Considering the averments and the above submissions, I dispose of the Writ Petition issuing the following directions:

The third respondent will in continuance of Ext.P2 decision already taken on Ext.P1 representation ensure that the measurement is completed and the puramboke, if any, is identified and the encroacher is evicted within a period of two months of receiving copy

of the judgment. The 2nd respondent will render all necessary co-operation in the matter to the third respondent by issuing appropriate directions to the taluk surveyor concerned. It is needless to mention that the measurement should be conducted in the presence of the 4th respondent and final orders, if any, directing eviction of the 4th respondent will be passed only after hearing the 4th respondent also. The petitioner is directed to send a copy of this judgment by registered post with acknowledgement due to the 4th respondent.

srd **PIUS C.KURIAKOSE, JUDGE**